

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wolfgang Hirschburger, et al.
Serial No.: 10/685,280
Conf. No.: 4919
Filed: 10/14/2003
For: PORTABLE BATTERY CHARGING
AND AUDIO UNIT
Art Unit: 2644
Examiner: Paul, Disler

**APPELLANT'S REPLY BRIEF
PURSUANT TO 37 CFR § 41.41**

This is in reply to the Examiner's answer dated December 24, 2008.

In the Examiner's response to Appellant's argument, the Examiner
states:

Appellant essentially argued on page 9-13 of the Brief that the combined teaching of Smith and Bhagwat fails to disclose or suggest the claimed features of "electrically isolating the device form (sic) said battery when AC power is applied". But, Bhagwat does disclose of (sic) the similar feature as claimed: "electrically isolating the device form (sic) said battery when AC power is applied" (fig. 4; col. 5 line 30-60/ relay to isolate battery from unit system when power is applied with the contact switch being at NO, with device of vacuum replaced with audio) as claimed.

While the typing errors and the like are distracting, the use of quotes and the parenthetical reference to fig. 4 and col. 5 lines 30-60 give the distinct impression that Bhagwat includes the “electrically isolating” text. Nothing in this identified text supports the examiner’s statement. In fact, it is believed to be a gross distortion and misrepresentation of the Bhagwat reference.

As is clearly set forth in Appellant’s appeal brief, and effectively ignored by the Examiner’s answer, the Bhagwat reference does not **electrically isolate** Bhagwat’s motor (applicants’ audio unit) from the battery. The examiner’s emphasis that the contact switch in its NO position isolates the battery from the “unit system” is simply not accurate.

Clearly, the positive terminal of Bhagwat’s battery B shown in Fig. 4 is always connected to the motor 22 whether the AC power is on or off. It is respectfully submitted that the language of column 5, lines 50-54: “in this latter circuit configuration, the aforementioned battery circuit is opened ...” does not provide such electrical isolation. Nowhere in Bhagwat is there any mention of electrical isolation and the circuit diagram confirms that it does not occur.

In fact, Bhagwat teaches away from electrical isolation as claimed because when AC power is present in the Bhagwat circuit, unlike the present claimed invention which electrically isolates the audio unit from the battery, Bhagwat maintains the battery in circuit, because that electrical connection is used to recharge the battery.

Thus, it is submitted that the open circuit configuration with the contact in the NO position is not electrically isolating said audio unit from said battery. Applicants' Fig. 9 relay shows **both legs** from the battery being disconnected from the audio unit and not simply one of the legs, which is what occurs with regard to Bhagwat. Since Bhagwat fails to electrically isolate the audio unit from the battery, it does not teach or suggest independent claims 1 and 17, and therefore the combination of Smith and Bhagwat similarly do not teach or suggest these claims.

Appellant again requests that the rejections be reversed.

Respectfully submitted,

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